

APPROVED AS APPROVED BY THE BOARD OF SELECTMEN

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
APRIL 3, 2006**

ATTENDANCE: First Selectwoman Evonne Klein; Linda Santarella; Kevin Newman; Susan Young and Barbara Thorne

STAFF: John Crary, Administrative Officer

OTHER: Wayne Fox, Town Counsel; Mr. Bob Steeger; Mr. John Bowes, Darien Rowayton Bank; Public Speakers: Virginia Iqbal; Jane Branigan; Barbara Lord; David Bayne; Craig Sorbaro; Kent Carstater; Rolf Brahm; Randy Tankoos; Mark Daly; Nancy Fransesconi; Charles Goodyear; George Zengo; Connie Melvin; Cheryl Russell.

CALL TO ORDER

First Selectwoman Klein called the meeting to order at 5:50 p.m.

PUBLIC COMMENT

Ms. Virginia Iqbal of 29 Edgerton Street asked what the procedure was for getting the agenda prior to a public meeting. She said the website provided an older version, and it was difficult to prepare comments when she didn't know what the agenda is. Mr. Crary said that they typically finish the agenda on Thursday and ideally post it on the website on Friday. He suggested that she call in to the office for the information if it wasn't on the website.

She thanked First Selectwoman Klein for having the police provide more presence on Edgerton Street in an effort to control the speeding. There were 6 or 7 tickets issued for speeding.

Ms. Young said that on behalf of the Darien Nature Center, she distributed flyers for Melody at the Marsh, which is a pen and ink drawing collection of Ms. Katharine Hamilton's work. The opening reception is Sunday, April 9 from 4:00 p.m. to 6:00 p.m. The collection will be on display during April and May.

FIRST SELECTWOMAN'S REPORT

First Selectwoman Klein recognized Mr. Michael Juliano from the Darien News Review for all of his good work in reporting the news over the past few years. He is leaving for another position, and she wished him well in his new endeavors.

First Selectwoman Klein said that there were two budget items that she wished to move to the end of the meeting for discussion and action. They need to add money to the capital budget request for the Allen O'Neill in the amount of \$10,250. The Board of Finance is having discussions about adding another scale to the dump at the cost of \$35,000.

First Selectwoman Klein said that during the past two weeks, there was a Fire Commission meeting where the neighbors expressed their concerns to the Fire Chief and the Fire Commission regarding the fire horn. Some interesting suggestions were made, and she said there is now a better understanding for the need for the fire horn. She thanked the Fire Chief and the Fire Commission for their efforts.

Last week, she hosted the annual meeting with the Department of Transportation. Several issues were discussed, including continuing to pursue funding for projects, sound barrier replacements, Mansfield & Post Road and West Avenue and Post Road review, Darien Rail Station lighting, the paint repair on the I-95 overpass, and the safety improvements planned for Route 136 that she is working on with Bob Duff. The review of the CL&P proposal to improve lighting on the Post Road will be discussed at the next meeting.

First Selectwoman Klein said she met with the Housing Commissioners, Legislators, and members of the Darien community during an ad-hoc affordable housing summit meeting. This is a monthly meeting held on the third Thursday of the month in Room 206.

She said that two weeks ago, she hosted a radio show on WSTC with the Executive Director of the DRI during which they talked about the downtown development and revitalization.

She said that they hosted a pandemic meeting. The RTM will have a presentation at their April 24 meeting.

She said she is proud of the work that the merchants have done to contribute to the Darien News Review. She urged everyone to get a copy.

During the past two years, many task forces and committees have been formed. She felt that people like to be involved with the town's issues and activities. She said that this is a great way to have the next up and coming group of people become involved with the town.

First Selectwoman Klein thanked Mr. Dave Campbell at Ring's End for agreeing to help fund the community gardens project.

She said that unfortunately, the town will not be able to hold a fireworks display this year due to the sitework needed at Darien High School. Again, there is not another suitable location. She had worked closely with Fire Marshal Bob Buch to have this event take place, or to find an alternative way to celebrate the Fourth of July. She was pleased to report that Stewart Amusements will be holding a fair on Thursday, July 6 – Saturday, July 8 at Hindley School. She asked that if anyone is interested in helping organize this event, to please contact her.

She was also pleased to say that she had attended a Darien resident's 100th birthday. She thanked the resident and her family for inviting her.

She said some upcoming meetings are the Board of Finance meeting on Thursday, April 6 at 7:30 p.m. The Darien Art Show will be held on Friday, April 7 at the Darien Library. On Wednesday, April 12, the Board of Finance votes on the mill rate. The DOT presentation will be on Thursday, April 20. The CL&P presentation will be on Wednesday, April 26th.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary said that one of the projects that was approved by the Board of Selectman last year was the purchase of beach sand. Ms. Swiatek and her staff located a source of good quality sand. The process of going out to bid will take about 2-3 days. The ideal goal is to have the sand in place by the start of the beach season. The quality of the sand is much better than in previous years, and so therefore the cost is a bit higher.

He said he will be meeting with the Police Chief tomorrow to discuss renovations at Police Headquarters.

REPORT ON THE STATUS OF THE HEALTH DISTRICT PLANNING COMMITTEE

Ms. Young said that the Health District Planning team met on March 20. The next meeting is scheduled for April 20. Dr. Reed and Mr. Burstein gave a presentation on staffing. Ms. Young said it is their understanding that all current full-time employees will be transferred to the Health District. The part-time employee will remain in the Darien office. The financial report was presented. The income of the health district will be increased dramatically with permits, licenses, and State grants. The expenses will increase as the health district provides more services. The town pays approximately \$6.02 per person. This number decreases to \$5.23 with the implementation of the Health District, which is a savings of \$.79 per person.

NEW BUSINESS

- a. Discuss with Bob Steeger the expiration of the agreement for the Bridgeport Resource Recovery Plant.

Mr. Steeger provided some background information on the how the Bridgeport project was formed. The facilitator was the Connecticut Resource Recovery Authority (CRRA), and the project goal was to develop, implement, and operate a waste disposal system for the region over the long-term. The initial facility was a failure. Darien, along with 18 other towns, has been using the Bridgeport plant since then. Over the past 18 years, the town has paid to the CRRA between \$15M and \$18M. Next year they expect the payments to be about \$1.1M. The project agreement expires December 31, 2008. Over the past 4 years,

members of the Greater Bridgeport Solid Waste Advisory Board have been preparing for the post-Bridgeport project era by examining different aspects of the project. They have to have a feasible alternative in order to be in a position to negotiate a renewal of the existing contract. He provided a handout for everyone that details the information. The CRRA has the Municipal Solid Waste Agreement contract with Wheelabrator Resco. Wheelabrator subcontracts the operation of the transfer station with Enviro Express. He said that one alternative is the renewal of the existing contract. At the conclusion of the project, the plant is to be owned entirely by Wheelabrator Resco. Another alternative was to build another plant, but no one wants it in their town. They also looked at a regional rail haul alternative, which is solid waste containerized by railroad. The last alternative is the traditional truck haul land fill, which is competitively priced and the only alternative that seems to make sense.

Mr. Steeger said that for the 18 years it has been operating, they haven't experienced any disruptions in service. It is operated by private contract. It is a resource recovery plant, which means that they generate electricity by burning the garbage. In comparing the costs of the project, the Bridgeport plant has the highest tip fees of all four of the plants in Connecticut. The other concern about CRRA itself was the major scandal involving Enron. It didn't affect the Bridgeport plant, so the town wasn't adversely affected. There was a major turnover with the CRRA leadership, and the perception of CRRA acting in its own best interests as opposed to the town's best interests still lingers on.

The town has approximately 1 ½ years to decide which direction they want to go. Mr. Steeger said he will provide progress reports during that time. The existing agreement requires Wheelabrator to enter into good faith negotiations for renewal of the contract. Those negotiations have begun and are being closely monitored. Because of less debt service, the operating costs of the plant are less than earlier cost amounts provided. As the operator of the plant assumed more risk than necessary, the idea is that Wheelabrator should be willing to reduce their costs.

- b. Discuss and Take Action on request from the Darien Rowayton Bank and the Dolcetti family for permission to use municipal parking spaces during off peak hours.

First Selectwoman Klein and Mr. Newman recused themselves.

Barbara Thorn said the above request should also include "commuter parking spaces". The hours of paid and permit parking at the train station lot and the Grove Street lot are until 5:00 p.m. After that, it is free for patrons of restaurants, shops, etc.

- ** MS. THORNE MOVED TO APPROVE THE REQUEST FROM THE DARIEN ROWAYTON BANK AND THE DOLCETTI FAMILY FOR PERMISSION TO USE MUNICIPAL PARKING SPACES AND COMMUTER PARKING SPACES DURING OFF PEAK HOURS.**

Mr. Wayne Fox, Town Counsel, determined that it was not necessary for First Selectwoman Klein to give up being Chair as long as it is accurately reflected that she has recused herself.

Ms. Santarella said that Mr. Bowes, Chairman and CEO of Darien Rowayton Bank, had made a presentation at the last meeting, but she asked Mr. Bowes if he had any comments before the Board entered into their discussion. Mr. Bowes said he did not, and he offered to answer any questions. Ms. Santarella said that this is done in other areas of town, but she wanted to make sure that the plans were in keeping with the town plan of development and they are working with Planning & Zoning and the other Land Use boards on the application. He said that there is a public hearing tomorrow evening.

Ms. Young said that while there are different phases involved, the end result would be more walking areas and connections between buildings downtown. She expressed a concern that perhaps the request before them was out of order as far as Board approvals go, and that the request would still have to go before the other Boards for approval.

Mr. Bowes said that they have the request before the Board of Selectmen, as they are the Parking Authority also. The bank has filed a joint application with the Planning & Zoning Commission, and at tomorrow night's public hearing, they will present their plan to develop the six parcels of the property downtown. They are asking the Town Parking Authority, not the Board of Selectmen, to allow them to use municipal railroad parking at times when otherwise not in use. At tomorrow night's public hearing, he would like to include a story of how they are going to develop these 6 parcels and how there is sufficient parking in the downtown area to support this development, but he can't do that without the approval and agreement of the Town Parking Authority. He said that is their sole purpose of coming before the Board of Selectmen this evening for a vote. He said he would be delighted to come back before the Board of Selectmen after he has gone to the proper commissions. Ms. Santarella said she has received several calls regarding this request. She would like to support this request. She asked Town Counsel to assist her with a resolution.

**** MS. SANTARELLA MOVED THE FOLLOWING RESOLUTION:**

“TAKE ACTION AND GRANT PERMISSION TO USE MUNICIPAL AND COMMUTER PARKING SPACES DURING OFF PEAK HOURS AND WEEKENDS, WHICH ARE AFTER 5:00 P.M., CONTINGENT UPON APPROVAL BY OTHER NECESSARY LAND USE BOARDS AND COMMISSIONS.”

**** MS. THORNE SECONDED.**

Some discussion followed with members of the public regarding parking during off-peak hours in the train station and municipal lots. There was a suggestion made that it should be opened up to everyone, and that new businesses in town have to go through the proper approval process.

Ms. Santarella stressed that the whole point of the resolution is they want them to know that they still are expected to go through the proper approval process.

More discussion followed regarding this, and Ms. Thorne called the question.

**** MS. THORNE MOVED TO CALL THE QUESTION.**

**** MS. SANTARELLA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MOTION PASSED UNANIMOUSLY IN FAVOR OF THE RESOLUTION.**

Ms. Santarella said that Ms. Schneider's questions were well taken, and she felt that the Board should take them up at another meeting. Mr. Crary said that during the past few years, the Board of Selectmen had voted on opening up all the parking spaces, including municipal and commuter spaces, to off-peak use. The resolution before the Board of Selectmen tonight specifically deals with the proposal that the Bank has put forward for the off-peak use of these spaces.

- c. Discuss and Take Action on Conducting a Feasibility Study on the use of the Senior Center Site.

First Selectwoman Klein said that at the last Board of Selectmen meeting, there was consensus among the Board members that a feasibility study of the Senior Center site be conducted.

Mr. Crary provided some information to clarify the definition of a feasibility study. He said that based on the discussion at their last meeting, he clarified that a review of the site would be needed, including physical characteristics, topography of the property, wetlands, drainage, existing zoning, etc. He said that there could be other alternative uses of the site besides the Senior Center. They include a pool, a playing field, affordable housing, an adult home (residents with disabilities), and open space.

Some discussion followed among the Board members regarding the options for the Senior Center site, the involvement of outside firms or in-house departments, and the need to conduct title searches and deed restrictions.

Ms. Jane Branigan, formerly of Middlesex Road, provided a detailed history of the Senior Center site.

The meeting was adjourned at 7:20 p.m. in order to conduct the already-scheduled Public Hearing on Establishing New Refuse Disposal Fees.

PUBLIC HEARING ON ESTABLISHING NEW REFUSE DISPOSAL FEES

Ms. Barbara Lord, Lighthouse Way, has been a resident since 1969. She enjoys gardening and yardwork. She has over 1 acre of property to clear brush and cleanup material from, and she usually takes it to the dump in the bed of the truck they own. It would be a hardship for her to prune the property and take the clippings to the dump in the back of a car. She said she probably wasn't the only person in town in this situation. Her request is that a special type of permit be created to accommodate the people that could be in her situation.

Mr. David Bayne, Chairman of the RTM Public Works Committee, said the Committee has met twice to discuss the proposed fee increases and the implementation of the two-tier permit system for residential use of the town dump. The committee said that they had serious reservations about the current proposal. They are concerned that this proposal will not stop the abuse and will not generate sufficient revenue to pay for the abuse. The committee believes that the proposal in this year's budget to move the scale house to a better location for improved monitoring is a step in the right direction. The vote in his committee was 7-0.

Mr. Craig Sorbaro, Hoyt Street, is a 3-year resident and he feels this is an arbitrary rule. The dump fee has gone up 7 times, which seems drastic. The truck he owns he uses to drive to work, and as a truck for dump runs, so he has to keep up the appearance of the truck. He feels that the proposal would be discriminatory. It would cost him more money and trips to use his truck than it would for someone who has a van. He hopes the Board takes a serious look at the little person. He feels he doesn't want to be punished because he wants to take things to the dump.

Mr. Kent Carstater, 20 Ridgeview Avenue, thinks the real issue is bio-degradable vs. non bio-degradable. That's the way it is done on the commercial side. He doesn't mind a modest fee increase. He is willing to pay his fair share. He disagrees with the fees imposed on a specific vehicle or repeated trips made to the dump. He asked the Board of Selectmen to consider that a levy be uniform and equitable.

Mr. Rolf Brahm, Archer Lane, said he has an issue with the leaves. He recently bought a trailer to help him haul the 40 bags of leaves to the dump. He said that subsidization of the dump is a way to catch the people who are abusing the system. He feels that weighing in is totally appropriate.

Mr. Randy Tankoos, Sunset Road, has a lot of leafs that he brings to the dump 6-8 times per year. He doesn't think he should be penalized for not using his car. In the last two or three years, he noticed a significant decrease in the use of the dump by non-permit people. He suggested that they move the scalehouse back or give the employee temporary shelter. He said no one comes out in the rain.

Mr. Mark Daly, Vice Chair of the RTM Public Works Committee, said in the days of encouraging people to use smaller cars for better gas mileage, it seems that they are being taxed for using a smaller car vs. an SUV or a truck. He encouraged people to recycle.

First Selectwoman Klein closed the public hearing at 7:30 p.m.

The meeting returned to agenda item #C, Discuss and Take Action on Conducting a Feasibility Study on the use of the Senior Center Site, at 7:30 p.m.

First Selectwoman Klein reminded everyone who wished to speak that the topic was on the Feasibility Study on the use of the Senior Center Site.

Ms. Nancy Francesconi, Ridgely Street, said that if Darien is so concerned about rebuilding open spaces, then the Senior Center is not the place for a sports complex. She lived there before the Hollow Tree School was built. It would be an environmental disaster to tear down the existing building only to replace it with a sports complex. She suggested that they follow the recommendations of the task force to preserve and renovate the current Senior Center.

Mr. Charlie Goodyear, Hollow Tree Ridge Road, said his wife served on the Senior Task Force. His comments were that Ms. Branigan's history lesson was very good. He thought that nothing seemed to preclude using the property other than for using it for residential. There are 8 acres that are now designated for single-use. He hopes that they can't consider many additional uses without considering a new Senior Center. He suggested that the study proceed on the basis that they will look at the possibilities of using the whole parcel of 8 acres. He also suggested that they detail exactly what they're going to do.

Mr. George Zengo, 12 Plymouth Road, said the feasibility study should have parameters. The Senior Center has been there for 25 years. He said that parameters should be determined for the people conducting the feasibility study so they can decide what they are going to do with the 6 ½ acres, not the 2 unencumbered acres. There is 16,000 or 17,000 square feet of space on one floor of the Center.

Ms. Virginia Iqbal, Edgerton Street, said the one thing that she hasn't heard discussed is the impact of the traffic congestion in the Noroton Heights area and the surrounding communities. She said it needs to be considered, along with the character of the surrounding neighborhoods.

First Selectwoman Klein said the Board wants to look at some legal issues and refer back to Town Counsel. There could be a deed restriction on the property. The Board would like Town Counsel to conduct a title search. Mr. Crary said the first phase of the feasibility study would be to get an understanding of the entire parcel and the limitations and capabilities involved with the site as well as the amount of space available. It was agreed that a traffic study need not be completed as of yet.

The Board recapped what is needed. The legal work needed to be completed by Town Counsel would include a Title Search and determining if there is a deed restriction on the property. The work that needs to be done regarding the property would include a survey, identify wetlands, boundaries, topographical issues, and land use. The cost is estimated to be less than \$15,000.

**** MS. YOUNG MOVED TO TAKE ACTION AND CONDUCT LEGAL WORK ON THE FEASIBILITY STUDY TO INCLUDE THE FOLLOWING: TITLE SEARCH, DEED REVIEW OF THE PROPERTY, SURVEY OF THE LAND, IDENTIFY WETLANDS, BOUNDARIES, TOPOGRAPHICAL ISSUES, AND LAND USE.**

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Cheryl Russell, 18 Holly Lane, said she has a survey map of the 8 acres, the wetlands, and the topographical map. She offered to provide the map so that they wouldn't need to get a lawyer involved.

d. Discuss Town of Darien Spring Cleanup.

Mr. Crary said that the discussion of this issue came out of last year's budget. There was one less employee in Public Works. One person works approximately 220 days a year in Public Works. There are between 12-14 personnel in total. Mr. Steeger had prepared a spreadsheet that showed the assignments of all personnel during the course of a year by month. The spring cleanup is time consuming and takes approximately 2 weeks to complete, with approximately 100 man days of work and every employee working. To meet the cut in the budget, they had decided to drop the spring cleanup, but the Board can decide if they want to keep it out. Ms. Santarella remembered that last year, they decided that position was not going to be replaced.

Mr. Steeger said they had looked at other ways to do the Spring cleanup, but his preference, if they decide to do it again, would be to have it in a concentrated period of two weeks as they have in the past. There was some discussion regarding the timing, scheduling, etc., about the cleanup. Mr. Steeger said the earliest possible time they could conduct the Spring cleanup are the weeks of 4/24/06 and 5/1/06. They would dedicate one crew to one particular area for one day. Other functions won't be completed while the Spring cleanup is going on, such as catch basin cleanup, street sweeping, roadside pickup, parking lot cleanup, etc. More discussion followed, and it was agreed that they would put the Spring cleanup back into the schedule. The Board members had received mixed reviews from residents. The proposal that Mr. Steeger made won't require additional personnel. It was suggested that for next year, they pay close attention to the delay in the other functions not being performed, as well as Mr. Steeger's professional assessment of the cleanup.

Ms. Connie Melvin, Stephen Mather Road, said she has lived here for 9 years and is appalled at the public cleanup. She feels that from an environmental standpoint, the hazardous materials are dangerous. She suggested they have a permanent, year-round electronic collection.

First Selectwoman Klein said that the Board is committed to improving the quality of life in town. Mr. Steeger said he has the direction he needs, and everyone thanked him for his hard work.

- e. Discuss and Take Action to accept and ask the Board of Finance to appropriate a gift from the Fox Hill Builders to design and construct a comfort station at Cherry Lawn Park.

**** MR. NEWMAN MOVED THAT THEY ACCEPT AND ASK THE BOARD OF FINANCE TO APPROPRIATE A GIFT FROM THE FOX HILL BUILDERS TO DESIGN AND CONSTRUCT A COMFORT STATION AT CHERRY LAWN PARK.**

Ms. Santarella said the design was in keeping with the Nature Center, and she thanked them in advance and felt that they had done a great job. First Selectwoman Klein said this will go to the RTM for the April 24 meeting.

**** MS. YOUNG SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

Mr. Crary said he was not able to do anything on this. First Selectwoman Klein said that the commission reports need to be updated.

APPROVAL OF PREVIOUS MINUTES

Mr. Newman asked that they defer approval of the meeting minutes of March 6, 2006 and March 21, 2006 to allow for further review.

**** MR. NEWMAN MOVED TO ASK THE BOARD OF FINANCE TO ADD \$10,250 IN ADDITIONAL FUNDS FOR THE ALLAN O'NEILL CAPITAL ITEMS.**

**** MS. YOUNG SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

First Selectwoman Klein said the next budget item for approval is the addition of the second scalehouse at the dump, and the Board of Finance is strongly in favor of this. The Board of Finance cannot add to the budget, only the Board of Selectmen can. Some discussion took place regarding the improvement to the traffic problem, and if the personnel involved would be

present at the scalehouse. They decided to put the request in, and discuss it at the Board of Finance meeting on Thursday night.

**** MR. NEWMAN MOVED TO ADD \$35,000 FOR THE ADDITION OF THE SECOND SCALEHOUSE.**

**** MS. YOUNG SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

April 4, 2006	Planning & Zoning Commission Planning meeting at 8:00 p.m.
April 4, 2006	Board of Finance Budget Session w/BE at 7:30 p.m.
April 6, 2006	Board of Finance Budget Session w/BS at 7:30 p.m.
April 11, 2006	Board of Education Regular meeting at 7:30 p.m.
April 11, 2006	Planning & Zoning Commission General meeting at 8:00 p.m.
April 17, 2006	Board of Selectmen Regular meeting at 7:00 p.m.
April 19, 2006	Parks & Recreation Regular meeting at 7:30 p.m.

OTHER BUSINESS

(A two-thirds majority vote is required to add an item to the agenda)

**** MS. SANTARELLA MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.**

**** MR. NEWMAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

First Selectwoman Klein, Mr. Crary, Ms. Thorne, Ms. Young, Ms. Santarella and Mr. Newman went into Executive Session at 8:30 p.m. to discuss personnel matters.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services